



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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MF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/985,514	12/05/97	POISNER	D 042390.P3919

LM02/0814

BRADLEY J BEREZNAK  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
SEVENTH FLOOR  
12400 WILSHIRE BOULEVARD  
LOS ANGELES CA 90025-1026

EXAMINER

PIERCE, I

ART UNIT	PAPER NUMBER
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2756

DATE MAILED: 08/14/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Defective Notice of Appeal or Brief

Application No.  
08/985,514

Applicant(s)

Polsner

Examiner

I. Prence  
~~Mark Rinehart~~

Group Art Unit  
2756



☐ The Notice of Appeal filed on \_\_\_\_\_ is:

☐ not acceptable because:

☐ it was not timely filed.

☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).

☐ the appeal fee received on \_\_\_\_\_ was not timely filed.

☐ the submitted fee of \$\_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$\_\_\_\_\_.

☐ the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.

☐ a Notice of Allowability, form PTO-37, was mailed by the Office on \_\_\_\_\_.

☒ The appeal brief filed on 6/19/00 is NOT acceptable for the reason(s) indicated below:

☒ The brief and/or brief fee is untimely. See 37 CFR 1.192.

☒ The statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).

☐ The submitted brief fee of \$\_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$\_\_\_\_\_.

**The appeal in this application will be dismissed unless corrective action is taken. Extensions of time may be obtained under 37 CFR 1.136(a).**

☐ The appeal in this application is DISMISSED because:

☐ The fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.

☐ The brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.

☐ Because of the dismissal of the appeal, this application:

☐ is abandoned because there are no allowed claims.

☐ is being returned to the examiner for final disposition because it contains allowed claims. Prosecution on the merits is CLOSED.

  
**Mark H. Rinehart**  
Primary Examiner  
MARK RINEHART  
PRIMARY EXAMINER  
ART UNIT 2756